



**TOWN OF WEARE**  
**PLANNING BOARD**  
**ZONING BOARD OF ADJUSTMENT**  
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Naomi L. Bolton  
Land Use Coordinator

Office Hours:  
Monday  
thru  
Friday  
8 AM – 4:30 PM

**PLANNING BOARD**  
**MINUTES**  
**NOVEMBER 12, 2009**  
**(Approved as written 12/17/09)**

**PRESENT:** Craig Francisco, Chairman; Frank Bolton, Vice Chairman; George Malette, Secretary; Tom Clow, Exofficio; Dani-Jean Stuart, Alternate; Naomi L. Bolton, Land Use Coordinator

**GUESTS:** None

**I. CALL TO ORDER:**

Chairman Francisco opened this hearing at 7:00 PM at the Weare Town Office Building.

**II. WORK SESSION:**

**DISCUSSION OR FOLLOW UP OF THE CONSERVATION EASEMENT SUBCOMMITTEE CHANGING REGULATIONS REGARDING REQUIRING**

**CLUSTER DEVELOPMENTS:** Frank Bolton stated that his goal is to create a zoning environment that puts value on putting a conservation easement on the open space. The subcommittee agreed upon a couple of things. The first is that a conservation easement with an easement holder is the best bet. He is trying to come up with some wording. He got an email from the Conservation Commission inviting him to attend their next meeting which is next Wednesday. He is really not sure what they would like to have him discuss. He is trying to think of ways to enhance or encourage developers to try to develop open space to attract a qualified easement holder or land trust. The problem with the Town is, there are many. We have never really devised a way to monitor land. Monitoring land will be a never ending task and put to the test on a never ending basis. The negative were that there were possible legal issues; possible negative issues on developers; too many changes. Chairman Francisco stated that he discussed a little with Attorney Drescher and told him that we had been told that Terry Knowles or Paul Doscher who said that covenants can be permanent. If the wording is perpetuity is added then it can be permanent. Chairman Francisco would like to have Attorney Drescher come in early on in 2010 to talk to us about that issue; versus pushing through changes this year, have him come in. He would like to wait and get some more input from Attorney Drescher; maybe have a joint hearing with the Conservation Commission, Planning Board and Attorney Drescher. Chairman Francisco had a thought on the density bonus. Right now we say 20% and you get it. Let's put a lot of thought in that part and make it more attractive depending upon certain incentives. Mr. Bolton said what the board

might think about is the conservation overlay should have the greatest protection. But today the majority is used commercially and should be considered.

DISCUSSION ON SOURCE WATER PROTECTION PLAN: Naomi is waiting for a final draft from SNHPC to be forwarded and then further forwarded to the Planning Board members.

DISCUSSION ON ROAD STANDARDS: Chairman Francisco stated that any road standard changes and other changes to the Subdivision Regulations can be taken up possibly in February. Tom Clow questioned if we have existing roads changing gravel to pavement, or intersections should that be handled in the subdivision regulations. The suggestion was made that the BOS make a regulation, procedure, policy, etc.

DISCUSSION OR FOLLOW UP OF THE WETLANDS BUFFER SUBCOMMITTEE: Dani-Jean Stuart stated that they met on Monday and will not have any language for this year. They want to make sure it is comprehensive and done right. November 30<sup>th</sup> is the next meeting. They are going to meet with SNHPC to discuss options. George Malette stated that he just went to a WCC conference and there are other towns working on reclassifying wetlands. It is going to take time and some good guidance to make it happen.

SPECIAL EXCEPTIONS FOR WETLANDS CROSSINGS (ARTICLE 28.7): The subcommittee wondered if we actually grant special exceptions. The question that was asked was is this article actually used, Article 28.6.7. The Wetlands Buffer Subcommittee asked if that meant if a wetlands crossing is not a conflict is it allowed by special exception. Does this prevent any crossing of any wetland at any time? Is this board following these articles correctly? They are looking at other towns and grading the wetlands in Town.

DISCUSSION OF OTHER PROPOSED ZONING ORDINANCE:

1. Further defining “active and substantial development” as proposed by Neal Kurk. Mr. Kurk was not with us tonight so this will be further discussed at the next meeting. Chairman Francisco stated that he has two concerns. We are defining it for subdivision and related site plans as well. Chairman Francisco’s other issue is constructing one road in a subdivision, could be very costly depending upon how long the road is. His thought was to say enough roadway to get two years of building permits. Tom Clow stated that maybe we could address that if we remove the word “through” and put in “including”. Chairman Francisco stated that the construction of one phase or more of subdivision road could be some potential wording. Being that Mr. Kurk was not in attendance the Board felt they would wait to discuss any proposed changes when he was present, because it is his proposed amendment. Mr. Kurk arrived just as we were completing this discussion, so instead of reopening it the board will look at it at the next meeting.

2. Article 27.3.7 has to do with requiring two paved parking spaces be paved in cluster developments. There is some consensus that either it all be paved or left unpaved and have that decision up to the homeowner. The consensus of the board was to remove the word “paved” in the cluster developments.
3. Phasing Proposal – Article 15 as proposed by Frank Bolton. Chairman Francisco’s concern was the length of the State permits. State subdivision has no expiration. Wetland permits has a 5 year with 2 year extension. Site specific has a 5 year with 5 year extension. He feels stretching past the State permits is really not a fair thing to do. By reducing the numbers it is affecting the value of the property that is being purchased. We need to do something that is fair and reasonable for all. To be discussed another time.

The board did look at a calendar and the requirements we have to meet and have picked the following hearing dates for any zoning amendments.

December 17<sup>th</sup> – 1<sup>st</sup> public hearing

January 14<sup>th</sup> – final public hearing

### **III. NON-PUBLIC SESSION:**

Chairman Francisco stated that he would like to have a brief non-public meeting regarding the Town counsel opinion with regard to the asphalt plant. Frank Bolton stated that if that is the discussion he will be leaving as he is not going to be a part of this discussion.

Chairman Francisco moved to enter into non-public session at 9:48 PM pursuant to RSA 91-A:3 II (e); Tom Clow seconded the motion. A roll call vote was taken: Kurk – yes; Stuart – yes; Clow – yes; Malette – yes; and Francisco – yes.

Those in attendance discussed the legal opinion the Town received regarding the Mt. William proposed asphalt plant application.

Chairman Francisco moved to exit the non-public session at 10:00 PM; Tom Clow seconded the motion. A roll call vote was taken: Kurk – yes; Stuart – yes; Clow – yes; Malette – yes; and Francisco – yes.

Tom Clow moved to seal and restrict the minutes and the opinion of Town Counsel; George Malette seconded the motion, all in favor.

### **IV. ADJOURNMENT:**

As there was no further business to come before the board, George Malette moved to adjourn at 10:05 PM; Tom Clow seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton  
Land Use Coordinator